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Judge: Christopher M. Alston
Chapter: 13
Hearing Location: Seattle
Hearing Date: 9-27-18
Hearing Time: 9:30 a.m.
Response Date: 9-20-18

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In Re:
JASON L. WOELHLER
Debtor

Case No: 18-12299-CMA

REPLY TO RESPONSE TO
MOTION FOR ESTIMATION OF
CLAIMS

COMES NOW the debtor, by and through counsel, and replies to the response of Ernest and Heidi Anglin to estimate their claim.

Anglin's allegation the debtor is wasting the court's time has no basis whatsoever. The Anglins are not entitled at this juncture in the District Court action to request discovery regarding insurance coverage and Mr. Woehler is under no obligation to unilaterally disclose this information.

Other than Initial Disclosures required by Fed.R.Civ.P. 26(a), no discovery may occur until after the Rule 26(f) Conference. See Fed.R.Civ.P. 26(d)(1). Information regarding the policy, but not necessarily the policy itself, first arises in Rule 26(a) Initial Disclosures. *See* Fed.R.Civ.P. 26(a)(1)(A)(iv). The Rule 26(a) Initial Disclosures occur within 14 days after the Rule 26(f) Conference. *See* Fed.R.Civ.P. 26(a)(1)(C). The Rule 26(f) Conference has not yet been held, so no Rule 26(a) Initial Disclosures have been required.

The Rule 26(f) Conference has not been held because the District Court struck the previously set scheduling conference when Merchants Credit and Mr. Woehler filed their motion to dismiss the Anglins' complaint under Fed.R.Civ.P. 12(b)(6).

The Rule 26(f) conference should be held “at least 21 days before a scheduling conference is to be held.” Fed.R.Civ.P. 26(f)(1). In Docket No. 23 of the *Anglin* case, the district court *sua sponte* entered an Order that stated: “The Court, on its own motion and in the interest of judicial economy, hereby orders the Status Conference RESET from 7/17/2018 to 10/16/2018 at 9:00 AM in Courtroom 16206 before U.S. District Judge John C. Coughenour.”

“Because the time for the Rule 26(f) conference is geared to the time for the scheduling conference or order, an order extending the time for the scheduling conference will also extend the time for the Rule 26(f) conference.” Fed.R.Civ.P. 16, Adv. Comm. Notes to 2015 Amendments.

The claims estimation motion was filed because the claims universe needed to be ascertained in conjunction with the confirmation hearing the debtor was required to schedule. Anglin first filed a claim for \$1 million then amended the claim to “unknown.” The court cannot confirm a plan without knowing what the claims are or are likely to be.

DATED this 20th day of September, 2018

James E. Dickmeyer, PC

By /s/ James E. Dickmeyer

James E. Dickmeyer WSBA #14318
Attorney for Debtor